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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,353	04/02/2001	Takamitsu Yamada	204979US2CONT	1604
22850	7590	09/29/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER JUNTIMA, NITTAYA	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/822,353

Applicant(s)

YAMADA ET AL

Examiner

Nittaya Juntima

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/2/2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/15/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. Figures 17-19 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1, 9, and 23 are objected to because of the following informalities:
- in claim 1, ll 5, "packets" should be changed to "packet" to agree with "the erroneous packet" in ll 8 of the claim;
  - in claim 9, ll 5, "packets" should be changed to "packet" to agree with "the erroneous packet" in ll 9 of the claim;
  - in claim 23, ll 8, "packets" should be changed to "packet" to agree with "the erroneous packet" in ll 13 of the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) In claims 1, 9, the phrase "multiplexed by plurality" in ll 5 of the claims is vague and indefinite. It cannot be determined plurality of what that the reception packet was multiplexed by. The office is treating this phrase as "multiplexed by plurality of codes."
- b) In claim 3, the limitation "generates a retransmission request signal.....according to the retransmission multiplex number" in ll 11-16 of the claim is vague and indefinite. It cannot be determined as how the mobile communication terminal would generate a retransmission request signal and extracts the retransmission multiplex number from the received retransmission request signal. Therefore, the claim is vague and indefinite.
- c) In addition, the following claims recites the limitation that lacks antecedent basis.
  - in claim 1, ll 2, "the spread ALOHA system;"
  - in claim 3, ll 9, "the multiplex number;"
  - in claim 4, ll 16, "the multiplex number;"
  - in claim 7, ll 8-9, "the multiplex number;"
  - in claim 8, ll 15, "the multiplex number;"
  - in claim 9, ll 2, "the spread ALOHA system;"
  - in claim 13, ll 5, "the multiplex number;"
  - in claim 14, ll 7-8, "the multiplex number;"

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- in claim 16, ll 2, "the spread ALOHA system;"
- in claim 19, ll 2, "the uplink interference;"  
ll 6, "the multiplex number;"
- in claim 20, ll 2-3, "the uplink interference;"  
ll 11, "the multiplex number;"
- in claim 22, ll 3-4, "the probability;"  
ll 8, "the multiplex number;"
- in claim 23, ll 4, "the spread ALOHA system;"
- in claim 25, ll 16, "the multiplex number;"
- in claim 26, ll 16-17, "the multiplex number;"
- in claim 28, ll 8-9, "the multiplex number;"
- in claim 29, ll 9-10, "the multiplex number;"
- in claim 30, ll 16, "the multiplex number."

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claim 16 is rejected under 35 U.S.C. 102(a) as being anticipated by an art of record  
(English translation of Japanese Patent Laid-open No. HEI 10-233758 A).

Per claim 16, the art of record teaches (Fig. 1) a mobile communication terminal (a radio communication device) for carrying out a packet transmission based on the spread ALOHA system (page 1, ll 7-10), wherein the mobile communication terminal (a radio communication device) outputs multiplexed transmission data (M-multiplexed signal of data of L-symbol) as a transmission packet during a normal transmission (page 1, ll 11-15 and page 12, ll 11-page 13, ll 1-4), (a second series-parallel conversion circuit 8) automatically divides the transmission data (data of L-symbol) into parallel signals (the parallel signals) according to a retransmission multiplex number (M') determined based on the retransmission request signal (a request for retransmission, page 2, ll 7-15) when the retransmission request signal has been received (M' must be determined when the request for retransmission is received in order for data of L-symbol to be divided into M-number of pieces, page 2, ll 7-15 and page 13, ll 5-9), (M'-number of multiplier circuits 9-1 to 9-M') further multiplexes parallel signals generate transmission packet (M'-multiplexed signal) for retransmission (page 2, ll 10-15 and page 13, ll 9-18), and outputs the transmission packet to the base station (one base station, page 1, ll 20-23 and page 2, ll 10-15).

*Allowable Subject Matter*

6: Claims 1, 9, and 23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7: Claims 2-8, 10-15, 17-22, and 24-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima  
October 6, 2004  
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